

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSHUA LAMBERT,

Plaintiff,

Case No. C22-5470-RAJ-SKV

V.

MIRIAM KASTLE, *et al.*,

Defendants.

**ORDER DENYING AS MOOT
PLAINTIFF'S MOTION TO RE-NOTE
MOTION FOR VOLUNTARY
DISMISSAL**

This is a civil rights action proceeding under 42 U.S.C. § 1983. This matter comes before Court on Plaintiff's motion to re-note his motion for voluntary dismissal of specified claims at it may be heard together with Defendants' pending summary judgment motion. Dkt. 40. Plaintiff originally submitted his motion for voluntary dismissal to the Court for consideration on August 17, 2023. See Dkt. 38. On August 22, 2023, this Court issued an Order addressing Plaintiff's motions, including his motions for an extension of time to respond to Defendants' summary judgment motion and his motion for voluntary dismissal. Dkt. 39. The Order therein granted Plaintiff's requests for additional time to respond to Defendants' motion and ordered that Plaintiff's motion for voluntary dismissal be stricken. *Id.* The Court

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1 specifically explained that Plaintiff could include his request for voluntary dismissal, and any
2 argument he wished to offer in support of that request, in his amended response to Defendants'
3 motion for summary judgment, which is currently due on November 13, 2023.

4 Plaintiff now asks that his motion for voluntary dismissal be re-noted on the Court's
5 calendar so that it can be considered in conjunction with Defendants' summary judgment motion.
6 However, as the Court previously explained, any request for voluntary dismissal of certain
7 claims should be included in Plaintiff's amended response to Defendants' motion. This will
8 ensure that Plaintiff's request for voluntary dismissal and Defendants' motion for summary
9 judgment are considered together.

10 Based on the foregoing, the Court hereby ORDERS as follows:

11 (1) Plaintiff's motion to re-note and rule on his motion for voluntary dismissal (Dkt.
12 40) is DENIED as moot. Plaintiff is once again instructed to include any request for voluntary
13 dismissal in his amended response to Defendants' summary judgment motion.

14 (2) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
15 Defendants, and to the Honorable Richard A. Jones.

16 DATED this 7th day of November, 2023.

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19 S. KATE VAUGHAN
United States Magistrate Judge

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23 ORDER DENYING AS MOOT
PLAINTIFF'S MOTION TO RE-NOTE
MOTION FOR VOLUNTARY
DISMISSAL - 2